

G. R. S. IX-5]

Previous references.

File No. 70-16

1916. 17
(Courts)

Serial Nos. (1)

Later references.

Courts 70-16(265)

" 102-1852, 142

159-18(1)

CB 122-26-11

CP 31-22-1.

GENERAL AND REVENUE SECRETARIAT.

CB 35-24-142

CB 29-27-1

CB 29-27-5

CB 39-31-243

Serial Nos. (1)

Part B for

Feb 17.

SUBJECT.

Forms of declaration to be
made by judges of the Chief Court
before entering upon their duties

- 1) The Regl. Ch. Ct. of 30.6.17 of 22/2/17.
Forwards for information copy
of the order of H. H. The Maharaja re the declaration
to be made by the judges in future before
entertainment.

M. S. K. S. S.
22/2/17

(For disposal at a meeting)

No. C.701

2579/1916.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause viii of the Schedule).

Question of prescribing a form of declaration to be made by the judges of the Chief Court before entering on their duties.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

D. M. Narasimha Rao

Secretary to Government.

23rd September.....1916.

Extraordinary Member of Council.

[Signature]
4.10.16. am 5/16

First Member of Council.

[Signature] 28/9 am 9/16

Second Member of Council.

[Signature] 30/9 am 10/16

137
289.16
297.
29.9.16.

GENERAL AND REVENUE SECRETARIAT.

(*Courts*)

NOTES.

File No. 70-16

FILE HEADING.

*Form of declaration to be made by
Judges of the Chief Court before entering on their
duties*

From

No.

Dated

Received

Diary No.

Enclos.

Spare Copies.

Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

Serial
No.

pms 257-11

(1) Extracts from the Calcutta Law Journal

of 16th March 1916. Vol XXIII PC

Letter patent constituting the High Court of
Judicature at Patna

* * *

3. And we do hereby ordain that the Chief Justice and every other Judge of the High Court of Judicature at Patna, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Lieutenant Governor in Council may commission to receive it:-

" I A. B., appointed Chief Justice (or Judge) of the High Court of Judicature at Patna, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment."

+ * *

Notes on page 32 n of the journal containing the above extract

" Handed to me by the Dewan. A suitable text to be proposed for Judges of the Chief Court here. Dewan's order "

Dated. D. H. V. 5/4

A.S. III.

(Orders of the Asst Secy)

Please Put up draft into

Res 24-7-16)

(2)

Serial
No.

(2) A draft is subd. under Sec 4. of the Chief Court
Regu a judge of the Chief Court is appointed
by H. H. the Maharaja. The proposed order has
probably to emanate from him. In this view the
draft is prepared. A draft letter is also put up.

B
18.8.16
W.

(4) 2) A declaration of loyalty is made by the
Judges of the High Courts in British India, and also
by the Judges of the Subordinate Courts. (Vide
Bombay Gazette Part I p 257 & 3.8.1916). In
the case of Magisterial officers, it was said in Bombay Gazette
that states in reply to the interpellations put in
the Legislative Council that the making of this
declaration should be surrounded with due formality
and solemnity, and that it should be made
before the Commissioner, who is the head of the
administration in this Division.

3) In England also, the judges are required to
take the oath before entering on their duties. Even in
the Legislative Councils of British India, as in the
House of Commons, an oath of allegiance is required
of every member before he takes his seat.

4) Draft is submitted for approval.

2/9

2115-
4.9.16

Second Member }
Dewan

f mi 267

G. R. S. 12]

General and Revenue
Secretariat.

File No. 70 of 1916.

4

Serial
No.

(5) Personally I do not think any useful purpose is served by the formality. But if it is decided that it is necessary to prescribe one then the draft put up is suitable enough.

1475
11-9-16

24/9/16 8/9/16
8/9

(6) The opinion of the present members of Council may be obtained at a meeting of Council.

C.S. 2000

20-9-16.

20

24/9/16

1/5

(7) Subject.-Clause viii of the Schedule. 5

Question of prescribing a form of declaration to be made by the judges of the Chief Court before entering on their duties.

OPINION OF THE COUNCIL.

Council (8)
7) No Chief Judge may be consulted
d.o. done

8) C.S. done
Put up draft d.o. from Dewan
30/10
31/10

9) draft d.o. prep done (page 12 of the file)
Dewan
1/11

2275
1-11-16

10)
6) The Chief Judge's reply is enclosed.
Please take all further action necessary

(page 13 of the file)

1.12.16

26

Secretary

First 10
Dewan members

done
1/11

1/43
5.12.16

done
2/12

done
7.12

Secretary
C.S.
1/12

Mark
done
1/12

done
7/12

COUNCIL

(9)

Serial
No.

"The question of taking such declaration from subordinate officers in the Judicial Department may be brought up"

11) To the Assistant Secretary, Br. III, for kindly submitting the file to the First Member of Council with a draft Final Note.

Dues

20/11

25/11

(10) 12) Subordinate with a draft Final Note & Sub.
Dues
26.1.07

13) In favour of kind approval
Es
27.1

First Member

(11)

14) In final Note signed by the first Member is put up, with a D.F.N.

Dues

30/1/17

Dues

Dues, Nov

31/11

31/11

16/6
29.74/10/1
1.2.17.

Extract from the Proceedings of the 405th Meeting of the Council
of His Highness the Maharaja, held at Bangalore,
on the 18th January 1917.

11. SUBJECT.—Clause viii of the Schedule.)

Question of prescribing a form of declaration to be made by
the Judges of the Chief Court before entering on their duties.

OPINION OF THE COUNCIL.

15) The annexed draft order prescribing a form of declaration
to be made by the future Judges of the Chief Court before entering
upon their duties, may be approved.

Sd. M. Visvesvaraya,

Dewan of Mysore.

“EXTRACT”

Dues 49 Dec 1911

Secretary to Government,
General Department.

Final Note by the First Member of Council.

(12) Subject:—

Question of prescribing a form of declaration to be made by the Judges of the Chief Court before entering on their duties.

16) These papers relate to the desirability of introducing into Mysore the practice obtaining in British India and elsewhere of requiring the Judges of the highest Court in the country to make a formal declaration of loyalty before entering upon the duties of their office. The Chief Judge who was consulted in the matter has no objection to the proposal to require a formal declaration from the Judges appointed to the Chief Court, though in his opinion, it is perhaps a little late to require it of the present office-holders.

B page 13.
9/12/17
Page 7 of Office notes
Deal! for signature
17) 2. The matter was discussed in Council who are of opinion that the annexed ^(a) draft order prescribing a form of declaration to be made by the future Judges of the Chief Court before entering upon their duties may be approved.

18) 3. The Resolution of the Council may be graciously sanctioned.

W. H. S. S. S.

30.4.1917
19/7

(14)

Submitted to His Highness.

L

14) I submit herewith a Final^{*} Note by the First....
Member of Council on the subject of...prescribing a
...form of declaration to be made by the Judges of the
...Chief Court before entering upon their duties.....
for His Highness' gracious approval.

W. H. D. S. S.

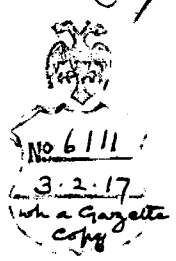
Dewan.

SM

10

Record of Cases submitted for the Orders
of His Highness the Maharaja

(15)



794

Subject.

Proposal to prescribe a form of
declaration to be made by the Judges
of the Chief Court before entering
upon their duties.

Order.

20) ~~KRM~~
5/2/17

Sun 17

6.2.17 ho

21) Draft
S. P.

(19)

S.O. No. 4456/Eum

To

Bangalore
22 Nov 16.

The Chief Judge. (12)

My dear Sir,

It is under con-
-templation to introduce here the
practice, obtaining in British
India and elsewhere, of
requiring the Judges of the highest
Court in the country to make
a formal declaration before
entering upon the duties of
their office.

I send herewith a
draft order on the subject
and shall feel obliged if you
will kindly favour Govt. with
your opinion on the proposal.

Yours

1/11

Yours sincerely

do

22.11.16

Dewan.

Lucki Nov. 19, 6

My dear Sir

I have no objection to the proposal of the Government to require a formal declaration from judges appointed to the Chief Court. It is perhaps a little late to require it of present office holders but I do not suppose any of us will object to making a declaration. The rule may however perhaps be confined to future incumbents.

Written appointed permanently
or to officiate only.

James M. M. M.
James M. M.

(21)

4462

Bangalore,

(12)

24th November 1916.

My dear Sir,

I ~~write~~ to thank you for
your letter of date regarding formal
declaration ^{by} ~~from~~ Judges ^{on file} appointed ^{must} to the
Chief Court. I agree with you that no
declaration is necessary from existing
incumbents. Government intend ^{to apply} it only
in the case of Judges appointed in --
future.

Yours sincerely,

W.H. 46
Rb
Dewan
S

Sir Leslie C. Miller, Kt.

G. R. S. 26]

File No. 70-16

Serial No. 1

Diary No. of letter replied to
GEN. & REV. SEC. RET. SECT.
TYPING Sec.
18 FEB 1917

General and Revenue Secretariat

, the

191

To

The Registrar, Chief Court

Sir,

Date of issue 22.2.1917

Signed by Mr. P. Srinivasan for the information of the Judges of

~~the Chief Court~~ copy of the order
of H. H. the Maharaja regarding the
declaration to be made by ^{judges of the} ~~them~~
Chief Court in future
before entering on their duties.

I have &c

2/2/17 Secy to Govt

SUBJECT.

~~1st Draft~~
Amended to Res. 11

Draft order

(23)

16
Eve

His Highness the Maharaja
is pleased to direct that the
Chief Judge and every other judge
of the Chief Court of Mysore, pre-
viously to entering upon the exe-
cution of the duties of his office
shall make and subscribe the
following declaration before ^{the Dewan or} such
authority or person as His Highness
may commission to receive it:—

" I A. B. appointed Chief
Judge (or a judge) of the Chief
Court of Mysore, do solemnly
~~declare~~ ^{Declare} that I will faithfully
perform the duties of my office
to the best of my ability, knowledge
and judgment

I swear (or affirm) that I will be faithful
and bear true allegiance to His Highness the
Maharaja Mysore, and

11/

Dewan